

**SECOND CHECK HAS BEEN COMPLETED.  
NO OTHER DOCUMENTS WILL BE  
REVIEWED PRIOR TO THE HEARING**

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **PROBATE**

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DATE: 06/04/04 TIME: 8:30 DEPT: S5  
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CASE #: SPRSS02781

CASE NAME: IN THE ESTATE OF MICHAEL LOGAN SOKOL

HEARING:  
Probate status report filed.

COUNSEL:  
MICHAEL L SOKOL (DEC)...  
GENE SIMPSON (PET)...BRUNICK ALVAREZ & BATTERSBY

STATE OF CALIFORNIA FRANCHISE (TP )...PRO/PER

GENERAL INFORMATION:  
This case is set for hearing on Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. ~~Need to file Notice of Hearing and Proof of Service. Notice must comply with PC 12201.~~
2. Cannot close estate until State of California returns funds.
3. No "Exhibit A" attached to this status report. Appears to be referring to Exhibit "A" from last report from Karen Esterly, Branch Administration Manager as to the escheating of funds.
4. Court may wish to inquire as to steps taken to obtain funds and if State of California appears, there position on this matter.

RECOMMENDATION:  
None

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS03409

CASE NAME: MATTER OF RICHARD W TURK

HEARING:

FIRST & FINAL Account and Report of BARBARA RIDENOUR and  
Petition for allowance of fees filed.

COUNSEL:

BARBARA RIDENOUR      (PET)...MCCLELLAN & WILSON  
RICHARD WALTROUS TURK      (DEC)...

CAROLE L KESTER      (TP )...SKOUSEN & SKOUSEN  
ERNEST D KESTER      (SKOUSEN & SKOUSEN      )...SKOUSEN &

GENERAL INFORMATION:

This case is set for hearing on First and Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Seeking an order approving creditor claim for Attorney Bird (his estate) for litigation of the creditor claim by Carole Kester for \$17,475.70. Spent \$10,500 in attorney fees (\$300 per hour). Carole Kester was awarded judgment of \$21,134. Court should note that administrator owes a fiduciary duty to exercise ordinary care and diligence in determining whether to exercise a power to litigate or defend a litigation. Court may wish to inquire about additional information as to reason for defense here and attorney fees. If in doubt about whether to do so, administrator may come to court to seek approval under PC 9611 before engaging in litigation.
2. Need to file copy of bank statement per local rule.
3. Only filed partial I &A. Is petitioner asking court to deem that as "final" as there were no other assets in existence at time of death?

4. Administrator and attorney requesting statutory fees of \$996.50. OK
5. Administrator seeking extraordinary fee for handling estate claim litigation (see note 1) No itemization presented, just the statement that 1 hour per week for 10 months (80 hours) at the rate of \$25, for total of \$2000.
6. Attorney seeking extraordinary fee for handling estate claim litigation (see note 1) No itemization presented, just the statement that 20 hours at the rate of \$275, for total of \$4500.

**RECOMMENDATION:**

Once approved, will need to set hearing for filing of receipts and final discharge for 6-10-05.

San Bernardino Superior Court  
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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS03583

CASE NAME: MTR OF MEYON S. GAINES SPECIAL NEEDS TRST

HEARING:

FIRST Account and Report of SAMUEL SEGURA and Petition for allowance of fees filed.

COUNSEL:

MELODIE Z. SCOTT	(TEE)...HARTNELL HORSPOOL & FOX
SAMUEL SEGURA	(HARTNELL HORSPOOL & FOX )...HARTNELL
CONNIE ADAMS	(RONALD W ASK )...RONALD W

GENERAL INFORMATION:

This case is set for hearing on First Account of Samuel Segura (removed 11-14-03) AND Second and Final Report of Segura

Objections filed by Minor and by Successor Trustee (Brown)

Matter needs to be set for contested calendar. Matter continued from 4-16-04 for purpose of responding to objections. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

**First Accounting, Period 5-18-01 to 12-31-02**

1. Segura received a \$50,000 loan from the trust, secured by real property. Original plan was to acquire property to build a house for the beneficiary of trust, but the beneficiary's mother did not agree. In order not to lose money on the deposit, Segura took over the land. Need to file copy of Trust Deed and Promissory Notes.
2. Petitioner asking for \$18,538.08. Has already paid himself \$8700. This is based upon 217.68 hours, \$85 per hour. Rate seems excessive for all charges that did not require specialized financial or real estate expertise. The firm of Segura & Zapata was paid professional fees for tax returns and

- bookkeeping. Unclear whether the self-payment of charges was previously authorized by the Court. JTD
3. Objection by minor sets forth legal standard and additional issues regarding services rendered. Questions whether services rendered to himself or for beneficiary of trust. For example, loaning funds to himself and going to or from bank for said transaction was of no benefit to beneficiary. Meetings with builders, who presumably are building on his property.
  4. Objection raises question of conflict of interest and breach of trust.
  5. Objection by minor provides comprehensive list of questionable time charges and questions regarding qualifications of trustee and whether he used any "special" skills.
  6. Objection suggests that no fees to be paid due to breach of duty re: loan.
  7. Objection notes that there was no disclosure of familial relationship for bookkeeping and taxes.
  8. Questions regarding excessive calls to mother of beneficiary.
  9. Objection notes improper advancement of fees.
  10. Objection by Successor Trustee based upon lack of service of accounting on him. **Segura needs to file Proof of Service on Successor Trustee.**
  11. Attorney requesting \$7562.50 for services provided on Special Needs Trust and Conservatorship. Blended rate of \$1818. Itemized, JTD.

#### **Second Accounting, Period 1-1-03 to 11-14-03**

1. Trustee requesting fees of \$5473.15 for 64.39 hours of service. Rate: \$85 per hour. Claims that rate is based upon fees as a rental assistant supervisor. But services not provided in that department. Telephone calls to Connie Adamms, conservator, with no further description, don't appear to require special rental expertise. If Court reduced fees to \$50 per hour (which still might be excessive), new fee calculation would be \$3219.50. Other considerations re: awarding of fees as noted in First Account – did the trustee breach his fiduciary duties to damage of beneficiary?
2. Attorney requesting fees of \$9860 for 53 hours (majority by K Horspool at \$195 per hour). It should be noted that attorney fees relate to services beyond the accounting period, but relate to obtaining court approval of the accounting. Includes a time of .5 hours for memo to staff (reduction of \$97.50)
3. Objection filed by Successor Trustee Brown. Brown states that he cannot reconcile cash with the cash listed in the account. The accounting shows \$271,314.29 in cash but accounts show total of \$265,742.34. Will need explanation and possible OSC re: Surcharge and Sanctions.
4. Objection also points to excessive hourly rate without a showing of expertise.
5. Objection notes breach of trust (loan), conflict of interest and advances.

RECOMMENDATION: Set on contested calendar. Court may also wish to consider setting OSC re: Surcharge and notify bonding company. Attorney Skoretz has filed notice of unavailability from 6/23/04 thru 7/12/04

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS03583

CASE NAME: MTR OF MEYON S. GAINES SPECIAL NEEDS TRST

HEARING:  
SECOND AND FINAL Account and Report of SAMUEL SEGURA and  
Petition for allowance of fees filed.

COUNSEL:

MELODIE Z. SCOTT	(TEE)...HARTNELL HORSPOOL & FOX
SAMUEL SEGURA	(HARTNELL HORSPOOL & FOX )...HARTNELL
CONNIE ADAMS	(RONALD W ASK )...RONALD W

See prior notes.



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CASE #: SPRSS05049

CASE NAME: ESTATE OF MARTHA E. HEMPSTEAD

HEARING:

Waiver of account and for final distribution.

COUNSEL:

ROSEMARY HEMPSTEAD      (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
MARTHA E HEMPSTEAD      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Sole heir waives accounting.
2. Statutory fee for \$4979.99 for attorney. Executor waives fees.
3. Attorney requesting extraordinary fees of \$600 relating to sale of real property. Itemized fees amount to \$593.50.

RECOMMENDATION:

RFA subject to court's discretion at to extraordinary fess. Once approved, need to set hearing for filing of receipts and final discharge for 6-10-05.

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05092

CASE NAME: RE KAMIKA NORMAN SPECIAL NEEDS TRUST

HEARING:

THIRD Account and Report of INLAND COUNTIES REGIONAL CENTER INC  
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(TEE)...BRUNICK BATTERSBY  
MCELHANEY &

GENERAL INFORMATION:

This case is set for hearing on Third Account and Report of Trustee (IRC)  
Period: 4-1-02 to 1-31-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. IRC requests quarterly payments of \$93.75 (total of \$375 per year).
2. Court presumes that payments made to reimburse Stacy Norman for items (concert tickets, van repairs, clothes) were based upon receipts filed.

RECOMMENDATION:

RFA. Need to set hearing for next accounting for 6-9-06. Accountings to be filed 30 days in advance. Approved order in file.

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05111

CASE NAME: EST OF LUCILLE EDITH CHAMBERS

HEARING:

FINAL Account and Report of JUDITH LUCILLE ORTEGA and Petition  
for allowance of fees filed.

COUNSEL:

JUDITH LUCILLE ORTEGA      (PET)...BARBARA G. KNOX  
LUCILLE EDITH CHAMBERS      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Final Account  
Continued from 4-23-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1.      Need to file bank statements and investment statement for I & A per local rule.
2.      Sole heir waives accounting.
3.      Petitioner waives statutory fee.
4.      Attorney requests statutory fee of \$5688.36. OK

RECOMMENDATION:

RFA subject to 1. Once approved, need to set hearing for filing of receipts and final discharge for 6-10-05.

San Bernardino Superior Court  
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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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CASE #: SPRSS05148

CASE NAME: EST OF JACK SCHWARTZ

HEARING:

Waiver of account and for final distribution.

COUNSEL:

DALE ALAN SCHWARTZ      (PET)...METCALF & MCKENZIE  
JACK SCHWARTZ      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Account  
Continued from 4-23-04. No appearance that date. Court mailed copy of prior probate notes.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Creditor's claims: Schedule C lists out the remaining claims and the projected amounts to pay each one (approximately 20% on the dollar). Amendment filed, amounts changed slightly.
2. Attorney requesting statutory fee of \$6667. OK
3. Petitioner requesting statutory fee of \$6667. OK
4. Petitioner requesting an additional \$800 in extraordinary commission for trying to find a buyer for real property. Unclear why an additional fee, over the statutory commission, is necessary. Estate is insolvent. JTD.
5. Attorney also requesting an additional \$800 in extraordinary fees. JTD

RECOMMENDATION:

RFA subject to court's discretion on extraordinary fees. Once approved, set hearing for filing of receipts and final discharge for 6-10-05.

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05200

CASE NAME: EST OF MARY HELEN LITTLE

HEARING:

FIRST AND FINAL Account and Report of MYLRID U GILES, LENA H JACKSON and Petition for allowance of fees filed.

COUNSEL:

MYLRID U GILES	(PET)...ROY H NIERMAN
LENA H JACKSON	(PET)...ROY H NIERMAN
MARY HELEN LITTLE	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on First and Final Account  
Continued from 4-23-04 due to issue of additional assets. Needed additional time to handle. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Co-executors waive compensation.
2. Attorney requesting fees of \$4039..90 OK
3. Issue re: additional assets, as disclosed by counsel.

RECOMMENDATION:

RFA subject to 3. Once approved, need to set hearing for filing of receipts and final discharge for 6-10-05.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05221

CASE NAME: MTR OF FRED R. COHEN

HEARING:  
Probate status report filed.

COUNSEL:  
NORMAN COHEN                      (PET)...HARTNELL HORSPOOL & FOX  
FRED R. COHEN                      (DEC)...

GENERAL INFORMATION:  
This case is set for hearing on: accounting review  
Continued from: 5/21/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Letters Testamentary issued 3/21/03
2. Inventory states no assets - pending settlement of worker's compensation claim
3. Notice of Decision received from State of New York/Worker's Compensation Board. "case is continued"

RECOMMENDATION:  
RFA. set accounting review hearing for 5/20/05.      Accounting to be filed 30 days in advance of hearing

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05226

CASE NAME: ESTATE OF DAVID A. MALKO

HEARING:  
Accounting Review

COUNSEL:  
ZENY WARD                      (PET)...MARTIN E KELLER  
DAVID A. MALKO                (DEC)...  
RACHEL DAVID MALKO        (PET)...MONTELEONE & MCCRORY

JANET MALKO                      (TP )...  
MARTHA MALKI                    (MONTELEONE & MCCRORY        )...MONTELEON

GENERAL INFORMATION:

This case is set for hearing on Accounting Review  
(Also on calendar for Petition for Suspension, see next note)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1.      No I & A filed.
2.      No accounting filed.

RECOMMENDATION:

Need to find out status.

DATE: 06/04/04      TIME: 8:30      DEPT: S5

# Petition for SUSPENSION OF POWERS & REMOVAL OF EXECUTOR AND FOR APPOINTMENT OF NEW EXECUTOR

COUNSEL:

ZENY WARD (PET)...MARTIN E KELLER  
DAVID A. MALKO (DEC)...  
RACHEL DAVID MALKO (PET)...MONTELEONE & MCCRORY

JANET MALKO (TP )...  
MARTHA MALKI (MONTELEONE & MCCRORY )...MONTELEON

GENERAL INFORMATION:

This case is set for hearing on Petition for Suspension of Powers & Removal of Executor Continued from 4-16-04 and 2-20-04. At last hearing, court was advised that matter has settled, but Attorney Monteleone preferred to continue the hearing rather than take it off calendar. **Nothing new filed.**

1. It is alleged that Zeny Ward, executor, borrowed \$232,000 from the decedent and has not paid it back. She disputes the debt. Petition alleges conflict of interest, fraud, waste and mismanagement.
2. Will need to set for trial.

## RECOMMENDATION:

If no settlement, set for trial.



San Bernardino Superior Court  
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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05305

CASE NAME: ESTATE OF ANGEL ESCOBAR

HEARING:

Petition for FOR ORDER RE CONVEYANCE OF REAL PROPERTY -

COUNSEL:

HECTOR D GARCIA	(PET)...
ANGEL ESCOBAR	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Order of Conveyance re: Real Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. No I & A filed. It should have been filed in September 2003.
2. No accounting filed yet. Hearing for accounting review set on 7-16-04. Accountings to be filed 30 days in advance.
3. Issues re: Petition
  - a. Need to file Notice of Hearing and Proof of Service. Need to provide notice to all intestate heirs. Based upon the petition, it appears that there are no known heirs. **Court should require that notice be given by publication so that any heirs unknown to administrator/petitioner have opportunity to learn of this transaction.**
  - b. Need to file copy of current deed. Who owns the property?
  - c. Petitioner is the administrator of estate. Petitioner claims that the sole asset of the estate is real property that petitioner should own per the decedent's wishes. This document appears to be a will rather than a contract for the sale of real property. Please file Ps & As to support claim that this a contract to convey real property. There is no indication in the letter that there was any agreement to convey

property or that there was any type of agreement, rather than support of a friend in time of need.

- d. In *Estate of Brenzikofer* (1996) 49 Cal.App.4<sup>th</sup> 1461, the court did allow for the transfer of property based upon constructive trust on an oral agreement. The contract in that case was based upon if the friends “would stick it out” (i.e., continue to care for her), then the house would be theirs. Here, the letter does not indicate such a contract, rather a recognition of past performance – which is an important distinction.
- e. In order to probate “letter” as will, will need proof of subscribing witness or proof of handwriting of subscribing witness and testator. However, this petition asks for administration of estate, indicating that there is no will. Who is next of kin? What is the familial relationship of the claimant? Does he have any standing as an intestate heir? Would petitioner need to file an amended petition to probate will (petition to administer as will annexed)
- f. It appears that PC 850 petition might be barred by statute of limitations, as decedent died in 1990.

#### RECOMMENDATION:]

Court to require publication of notice prior to proceeding. If the petitioner wishes to proceed on this petition, will need to set for evidentiary hearing to prove that there was an actual contract. Alternative is for administrator to file amended petition for letters for administration with will annexed and to treat the letter as a will.

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05336

CASE NAME: ESTATE OF LUCILA MACIAS

HEARING:

1ST & FINAL Account and Report of ROBERT LLAMAS and Petition for allowance of fees filed.

COUNSEL:

ROBERT LLAMAS	(PET)...	GRESHAM SAVAGE NOLAN & TILDEN
LUCILA MACIAS	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on First & Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file copy of bank statement for I & A. Did file bank statement with accounting. JTD
2. Petitioner waives right to statutory fee.
3. Attorney requests statutory fee of \$10,120.24. OK

RECOMMENDATION:

RFA subject to court's discretion as to 1. Once approved, will need to set hearing for filing of receipts and final discharge for 6-10-05.

4.

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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CASE #: SPRSS05533

CASE NAME: ESTATE OF JERRY MACK COLE

HEARING:

FIRST & FINAL Account and Report of CARLOTTA COLE and Petition  
for allowance of fees filed.

COUNSEL:

CARLOTTA COLE	(PET)...CHRISTOPHER ALLAN BURY
JERRY MACK COLE	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on First and Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. ~~Need to file Proof of Service and Notice of Hearing. Listing the people entitled to notice is not sufficient proof that the document was mailed within the statutory time period.~~
2. Need to provide copy of Morgan Stanley bank records, per local rule.
3. Petitioner waives right to statutory fee contingent upon court approving expense reimbursement of \$5023.89. This reimbursement request includes air travel and rental care fees, along with usual charges for costs involved in probate and house cleaning. JTD
4. Mark Cole (son) requests reimbursement of \$800.
5. Attorney requesting statutory fee of \$7580. OK
6. Attorney requesting extraordinary fees of \$2670 for assistance with sale of real property. Provides breakdown of fees, has rendered at least 18 hours of statutory services. At rate of \$250 per hour, attorney has earned \$4500 of fee, leaving almost \$3000 "unearned" and granted by statute. Declaration states that did 23 hours of extraordinary services in relation to real property (\$5750). Requesting \$2670 in extraordinary fees. No itemization provided, just list of tasks. JTD.

7. Petition alleges that the property was the separate property of the decedent. Passes by intestate succession,  $\frac{1}{2}$  to surviving spouse and  $\frac{1}{2}$  to son.

RECOMMENDATION:

RFA subject to 1 & 2 and court's discretion on fees. Once approved, will need to set hearing for filing of receipts and final discharge for 6-10-05.

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05570

CASE NAME: EST OF ROBERT NORMAN ANDERSON

HEARING:

FIRST & FINAL Account and Report of KARAN MCCREERY and Petition  
for allowance of fees filed.

COUNSEL:

KARAN MCCREERY                      (PET)...SHORE & WURM  
ROBERT NORMAN ANDERSON      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on First and Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Both heirs waive account.
2. Attorney requesting statutory fee of \$7000. OK
3. Not stated whether petitioner, Karan McCreery, is waiving her fee. Please confirm.

RECOMMENDATION:

RFA subject to clarification of 3. Once approved, will need to set hearing for filing of receipts and final discharge for 6-10-05.

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05595

CASE NAME: ESTATE OF DOROTHY ALICE GEE DEFFLEY

HEARING:

Waiver of account and for final distribution.

COUNSEL:

LEE A. MAYFIELD      (PET)...PRO/PER  
DOROTHY ALICE GEE DEFFLEY      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1.      Waivers of account filed.
2.      Petitioner in pro per requests statutory fees of \$5710. OK

RECOMMENDATION:

RFA. Once approved, will need to set hearing for filing of receipts and final discharge for 6-10-05.

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05779

CASE NAME: MTTR OF THE MATHERS FAMILY TRUST

HEARING:  
Hearing Re: STATUS.

COUNSEL:  
JOHN MICHAEL MATHERS      (PET)...SANDRA B DE MEO  
  
KATHRYN M MATHERS      (OBJ)...JOHN M RAGER

GENERAL INFORMATION:

This case is set for hearing on Status Report re: Petition for An Inventory & Accounting of Assets and Order to Compel Transfer of Title of Real Property (PC 17200)

Continued from 4-23-04

John Mathers withdrew the Request to Compel an Accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

**850 Petition for Transfer of Real Property**

1. Petitioner contends that the trust settlers intended to include in the trust some real property that was never transferred over. This is a *Heggstad* petition (16 Cal.App.4<sup>th</sup> 943) The real property located at 232 East Morgan Street, Rialto is listed as an asset that was supposed to be transferred into the trust.
2. Petition alleges that it was not done so in error. Surviving spouse does not wish to transfer the property into the trust now.
3. Under *Heggstad*: To create an express trust there must be a competent trustor, trust intent, trust property, trust purpose, and a beneficiary. ( [Prob. Code, § 15201- 15205](#); [Walton v. City of Red Bluff \(1991\) 2 Cal.App.4th 117, 124](#) ) The settlor can manifest his intention to create a trust in his property either by: (a) declaring himself trustee of the property or (b) transferring the property to another as trustee for some other person, by deed or other inter



vivos transfer or by will. ...

Where the trust property is real estate, the statute of frauds requires that the declaration of trust must be in writing signed by the trustee. (§ 15206; accord [Rest.2d, Trusts, § 40](#), com. b, at p. 105.) Here, the written document declaring a trust in the property described in schedule A was signed by the decedent at the time he made the declaration and constitutes a proper manifestation of his intent to create a trust. By naming the property in the trust, that might serve as sufficient evidence of trust intent under *Heggstad*.

4. Survivor trustor (Kathryn) will need to file Points & Authorities as to why Court should not order real property into trust. Filed Supplement on 4-23-04 raising objection to finding that decedent intended that the property go into the trust – decedent had 10 years in which to transfer the property and did not act.
5. Nothing new filed.

RECOMMENDATION:

Set for hearing as objections filed to 850 petition

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05790

CASE NAME: RE NADIA A BRAVO TRUST

HEARING:

Petition for FOR ORD DETERMINING INTEREST IN PROPERTY &  
DIRECTING TRANSFER OF PERSONAL PROPERTY

COUNSEL:

LUIS ROBERTO BRAVO      (PET)...SKORETZ & CHURCH  
ROSANNA M ACKERSON-BRAVO      (PET)...SKORETZ & CHURCH

GENERAL INFORMATION:

This case is set for hearing on Petition for Order Determining Interest in Property (PC 850)

Continued from 4-23-04

Court appointed Donna Diaz as GAL for Nadia Bravo

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. In 1993, Luis Bravo purchased real property as a single man. 12960 Gorham Street, Moreno Valley. Subsequently, he married Rosanna Ackerson. Their daughter was born in 1998. Property was conveyed by Luis to himself and wife and daughter.
2. Because daughter is only 6, she cannot sign documents to refinance the mortgage.
3. Parents then created a trust to hold the real estate title and/or the proceeds of sale for daughter.

RECOMMENDATION:

Need report from GAL for minor, otherwise RFA.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05809

CASE NAME: RE KARA ANNE SHEPPARD SPECIAL NEEDS TRUST

HEARING:  
Petition for FOR MODIFICATION OF AN IRREVOCABLE TRUST &  
DETERMINATION OF INTEREST

COUNSEL:  
AMY YOUNG-SNODGRASS      (TEE)...SKORETZ & CHURCH  
JUSTIN SNODGRASS      (SKORETZ & CHURCH      )...SKORETZ &

GENERAL INFORMATION:

This case is set for hearing on Petition for Modification of Irrevocable Trust (PC 1403 and 17200)

Continued from 4-23-04

Court appointed Walter Moore as GAL for Kara Anne Shepard aka Hanna Young-Snodgrass (fees limited to \$500)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Special needs trust set up for Kara Anne Sheppard, a victim of severe child abuse.
2. Successor trustees (Amy Young Snodgrass and Justin Snodgrass) appointed when they adopted the child.
3. Kara Anne Shepard is now Hanna Young-Snodgrass. Apparently, there is some change in her circumstances, but not enough information presented.
4. Seeking to modify the Kara trust to the Hanna trust, with changing the term of the distribution from 18 years to later in life. Also wants to change it to allow for payment of education and medical care not covered by the medical insurance program. Before, it was presumed that there would be government benefits. Need more information regarding current circumstances at hearing or file verified supplement.

5. Court may modify irrevocable trust with consent of all beneficiaries. Here, the beneficiary is a minor and cannot consent, which is why GAL was appointed.

RECOMMENDATION:

Need report from GAL and further info, per note 4.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05866

CASE NAME: MTR OF SHIRLEY M CRAYTON

HEARING:

Petition for Probate of Will and Letters with limited authority  
IAEA.

COUNSEL:

LEVADA BROWN                      (PET)...AUDWIN CAREY SPENCE  
SHIRLEY M CRAYTON              (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will and Limited Authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1.      Need to file proof of due publication.
2.      Declaration filed as to lost will. Meets requirements as to PC 8223.
3.      Will waives bond.

RECOMMENDATION:

RFA subject to 1. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05867

CASE NAME: ESTATE OF ADELEMO CABRAL

HEARING:  
Spousal Property Petition hearing.

COUNSEL:  
MARIA CABRAL                      (PET)...MARSHAL A OLDMAN  
ADELEMO CABRAL                  (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Facts upon which the petitioner bases claim to entitlement to property must be alleged. PC 13651(a)(3). Here, states property purchased by decedent 4 years prior to marriage when he was single. She did not contribute money to the household, as she stayed home to raise the children. They considered it community property, but had no written agreement. Alleges mistaken belief that property could not be held to wife until her green card was obtained.
2. "A transmutation of real or personal property is not valid unless made in writing by an express declaration that is made, joined in, consented to, or accepted by the spouse whose interest in the property is adversely affected." (Family Code, §852)
3. Based upon these facts, there is no basis to determine that the property is community, and it would pass as separate property. Court could hold evidentiary hearing upon request if there is additional evidence to present.
4. A spouse may petition for part of the property under PC 13651. Court could award wife her 1/3 intestate share. That would leave remainder of property in limbo. Someone acting on behalf of minors (i.e., GAL or guardian of the

estate) would need to come into court to transfer title to them. Could use Petition to Determine Succession if property value less than \$100,000. Otherwise would need to probate the estate.

5. Not clear from this petition as to the amount of interest that spouse is claiming. Assuming the claim is for 100%. If so, does the spouse wish to amend the petition to ask for 1/3 interest if court does not find this to be "community property"?

**RECOMMENDATION:**

If there is a request for hearing to present additional evidence, set for hearing. Otherwise, clarify if petitioner wishes to amend petition.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05868

CASE NAME: ESTATE OF ALBERT P MENDOZA

HEARING:  
Petition to determine succession to Real Property

COUNSEL:

THEODORE MENDOZA	(PET)...PRO/PER
CARMEN RAMIREZ	(PET)...PRO/PER
JOHN MENDOZA	(PET)...PRO/PER
ALBERT MENDOZA	(PET)...PRO/PER
CHARLES MENDOZA	(PET)...PRO/PER
CAROL BROWN	(PET)...PRO/PER
MARGIE LOPEZ	(PET)...PRO/PER
ANITA SIBLEY	(PET)...PRO/PER
LAURA HERNANDEZ	(PET)...PRO/PER
JUDEE CHITTY	(PET)...PRO/PER
ALBERT P MENDOZA	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

None

RECOMMENDATION:

RFA

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30    DEPT: S5  
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CASE #: SPRSS05869

CASE NAME: ESTATE OF ALBERT EINO ERICKSON JR.

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ALBERT E. ERICKSON      (PET)...BANDY & BANDY  
BETTY J. ERICKSON      (PET)...BANDY & BANDY  
ALBERT EINO ERICKSON JR.    (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. ~~Need to file proof of due publication.~~
2. Both heirs waive bond.

RECOMMENDATION:

RFA subject to 1. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05870

CASE NAME: ESTATE OF ORA ANN HILL

HEARING:  
Petition to determine succession to Real Property

COUNSEL:

JURLINE MCGINNIS	(PET)...WELCH DACRE & ASSOCIATES, P.C.
MURLEAN MCGINNIS	(PET)...WELCH DACRE & ASSOCIATES, P.C.
MORSELL JOHNSON	(PET)...WELCH DACRE & ASSOCIATES, P.C.
JOSEPH HILL JR	(PET)...WELCH DACRE & ASSOCIATES, P.C.
NINA HILL	(PET)...WELCH DACRE & ASSOCIATES, P.C.
ORA ANN HILL	(DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

None

RECOMMENDATION: RFA.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05871

CASE NAME: ESTATE OF JOSEPH L HILL

HEARING:  
Petition to determine succession to Real Property

	COUNSEL:
JOSEPH HILL JR	(PET)...WELCH DACRE & ASSOCIATES, P.C.
NINA HILL	(PET)...WELCH DACRE & ASSOCIATES, P.C.
JOSEPH L HILL	(DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Petition to Determine Succession  
(related to prior matter)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

none

RFA.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05872

CASE NAME: ESTATE OF APLOINIA M. PERSYN

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

DAVID C. PERSYN                      (PET)...BRYAN C. HARTNELL  
APLOINIA M. PERSYN                (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will (ancillary) with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Court issued letters of special administration ex parte on 4-29-04.
2. Need to file proof of due publication.
3. Petitioner lives in Florida. As an out of state executor, court should require bond. Also, there has not been a waiver by all beneficiaries of bond (church beneficiary to receive \$1000). Set bond for \$220,000.
4. Will is not self-proving. Need to file proof of subscribing witnesses.

RECOMMENDATION:

RFA subject to 2 and bond of \$220,000. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05873

CASE NAME: EST OF ALICE EDNA STANCEL

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

VENETA CELELLO                      (PET)...WILKINSON & WILKINSON  
ALICE EDNA STANCEL                (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, with limited authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Need to file proof of due publication.
2. ~~Need to file Notice of Petition to Administer Estate.~~
3. Requesting bond of \$150,000.

RECOMMENDATION:

RFA subject to 1 and 2. Bond \$150,000. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05874

CASE NAME: ESTATE OF ALFRED C. ELY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

LAWRENCE DEAN II	(PET)...	KARIN HORSPOOL
ALFRED C. ELY	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file proof of due publication.
2. Requesting bond of \$240,000.
3. Petitioner does not explain relationship and entitlement to letters. May explain at hearing.

RECOMMENDATION:

RFA subject to 1, clarification of 3. Bond of \$240,000. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05875

CASE NAME: ESTATE OF PIEDAD GUEVARA

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

DAVID REAPE                      (PET)...GREENBERG & BASS  
PIEDAD GUEVARA                (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, with limited authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. ~~Need to file proof of due publication.~~
2. Need to file Notice of Petition to Administer Estate. A general "notice of hearing" is not sufficient.
3. Petitioner is J.G. Wentworth Limited Partnership, a creditor of decedent. (Actual petitioner is a vice president of Wentworth, nominated by creditor.)
4. Estate is believed to consist of annuity payments which are being held by Executive Life Insurance Company. Petitioner requests no bond because these payments have not yet been made (but are due) and petitioner indicates that no payments will be made without court order. However, petitioner is non-resident of California, a creditor of decedent seeking payment of a claim, and it does appear that there will be assets in the possession of the petitioner. Court should require a bond of \$500,000.

RECOMMENDATION:

RFA subject to 1 and 2. Bond of \$500,000. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding



the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05878

CASE NAME: ESTATE OF DOROTHY L SOFFEL

HEARING:

Petition for Probate, Letters of Tstmntry with full authority  
under IAEA.

COUNSEL:

GILBERT J SOFFEL	(PET)...	WALTER T. MOORE
DOROTHY L SOFFEL	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Special Administration letters issued on 5-3-04, ex parte.
2. Need to file proof of due publication.
3. Will waives bond.

RECOMMENDATION:

RFA subject to 2. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05879

CASE NAME: ESTATE OF JOANNE CLARK-HADDEN

HEARING:

Petition for Probate, Letters of Tstmntry with full authority  
under IAEA.

COUNSEL:

ROBERT WILLIAM HADDEN      (PET)...PRO/PER  
JOANNE CLARK-HADDEN      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1.      Need to file proof of due publication.
2.      Need to file Notice of Petition to Administer Estate.
3.      Will waives bond.

RECOMMENDATION:

RFA subject to 1 and 2. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05880

CASE NAME: ESTATE OF WALTER E ALLEN

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

SUSAN M ROBERTS	(PET)...PRO/PER
WALTER E ALLEN	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Need to file proof of due publication.
2. Will waives bond.

RECOMMENDATION:

RFA subject to 1. Once approved, need to set hearing for filing of Inventory & Appraisal for 12-17-04. Also set hearing for Accounting and/or Status Review for 8-5-05. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **CONSERVATORSHIP**

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DATE: 06/04/04      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02606

CASE NAME: MTR OF KHRISTY REINING

HEARING:  
Petition for Appointment of Conservator

	COUNSEL:
APRIL JOHNSON	(CPE)...CARROLL M LAWSON
KHRISTY REINING	(CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

This case is set for hearing on Petition for Appointment of Conservator, person & estate, by April Johnson, sister  
Continued from 4-9-04 at request of counsel. **Nothing new filed**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Seeking medical powers. **Need Medical Capacity Declaration**, letter from Doctor not sufficient. Appears that this may be a case of developmentally disabled adult. Is a limited conservatorship being sought or regular conservatorship?
2. Is there being a petition filed for guardianship of the proposed conservatee's daughter (Ariel, 3 years)?
3. Seeking powers to sell real property, exercise stock options, pay debts and to employ others; File supplement regarding specific need for each of these powers.
4. Need proof of service of mailing notice of hearing on all parties within the second degree.
5. Need to file Citation.
6. Set bond at: \$ 10,000
7. CI report and IRC report. See confidential memo.
8. Court appointed attorney (Donna Lee Sturgill Diaz)

RECOMMENDATION:

Deny petition for general conservatorship.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02608

CASE NAME: MATTER OF PATRICIA B ZEINER

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
MELODIE Z SCOTT      (CE )...HARTNELL HORSPOOL & FOX  
PATRICIA B ZEINER      (CTE)...DUANE P BOOTH

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, estate only, by professional Melodie Scott

Continued from 4-16-04

Court appointed Duane Booth for proposed conservatee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Temporary letters issued on 3-16-04. \$20,000 bond filed.
2. Because of onset of dementia, alleges need for conservatorship of estate to help with sale of house. No dementia powers sought, but it would be helpful if there was some medical evidence of dementia, since that is basis for the proposed conservatorship.
3. If house in the process of sale, will need to increase bond to cover proceeds. (Bond \$280,000)
4. Proposed conservatee objects.
5. Filed due diligence declaration on proposed conservatee's other son, Brian. Family has not seen him since 1988. He was convicted that year of federal drug trafficking and has been a fugitive ever since. JTD

**RECOMMENDATION:**

Need to set for contested hearing if proposed conservatee still objects. IF the objection is waived and conservatorship issued, then need to set hearing for filing the Inventory & Appraisal for 12-17-04. Set the Accounting review date for 8-5-05. Accountings to be filed 30 days in advance.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02625

CASE NAME: MTR OF JESUS MANUEL MIRELES

HEARING:  
Petition for Appointment of Conservator

COUNSEL:

HUMBERT MIRELES                      (CP )...PRO/PER  
PASTORA MIRELES                      (CP )...PRO/PER  
JESUS MANUEL MIRELES              (CTP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person, by father & mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Petitioners are in pro per. Indicates seeking conservatorship of person, but confusing information at box 1c1 referencing conservatorship of estate and mentions that proposed conservatee cannot count money or make contracts. Petitioners need to clarify if only seeking conservatorship of person. If so, no bond required.
2. Seeking medical powers. Medical declaration filed to support request.
3. It appears that the proposed conservatee is developmentally disable adult.  
**Need to send notice to Inland Regional Center. Court has discretion to request that IRC prepare a report. (Only mandatory if petitioner is non-relative and providing board & care)**
4. CI report filed. Proposed Conservatee has no objections to appointment; able to complete Affidavit of Voter Registration; able to attend hearing. **No indication that notice was given to CI.**
5. Court to review Confidential Guardian Screening Form of both petitioners.

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:00    DEPT: S5  
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CASE #: SC SS02640

CASE NAME: MATTER OF ADAM MICHAEL LEWIS

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
KAREN C WHITE                      (CP )...PRO/PER  
ADAM MICHAEL LEWIS              (CTP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person only, by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Seeking medical powers. ~~Medical declaration does not state last date that physician saw the proposed conservatee. Must have that information to determine whether the evaluation is current.~~ Dr. last saw proposed Conservatee on 4/12/04. Diagnosis of cerebral palsy and cognitive dysfunction. Declaration states lacks capacity.
2. ~~Need to send notice to IRG.~~ Court's discretion as to whether to require a report.
3. CI report filed. Proposed Conservatee has no objection to appointment; able to complete Affidavit of Voter Registration; able to attend hearing

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02641

CASE NAME: MTR OF MOLLY N PALACIOS

HEARING:  
Petition for Appointment of Conservator

COUNSEL:

ROSALIA NAVARRO	(CPE)...LAW OFFICES OF DAYN A. HOLSTON
MOLLY N PALACIOS	(CEP)...ROGER E WALKER

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by sister-in-law

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Temporary letters issued on 5-5-04. Court appointed counsel for proposed conservatee.
2. Proposed conservatee nominates petitioner.
3. CI has stated that it will not be preparing report due to nomination and proposed conservatee's expected appearance at hearing.
4. Need to order \$17,000 bond. Bond as temporary conservator needs to be replaced with bond as permanent conservator.
5. **Medical powers requested. Capacity Declaration filed stating proposed Conservatee does have the ability to consent to medical treatment.**

RECOMMENDATION:

Need report from court-appointed attorney. Once approved, set hearing for filing the Inventory & Appraisal for 12-17-04. Set the Accounting review date for 8-5-05. Accountings to be filed 30 days in advance. Bond, \$17,000.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 10:00      DEPT: S5  
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CASE #: SPRSS01021      **SEE #46**  
**(related to SC 02388, set for Petition for Resignation of Conservator of Estate)**

CASE NAME: IN THE MATTER OF DAVID RYAN CAMAIONI

HEARING:  
Petition for RESIGNATION OF TRUSTEE & APPOINTMENT OF SUCCESSOR  
TRUSTEE

COUNSEL:  
DAVID RYAN CAMAIONI      (DEC)... (trust)

CARLYN ANNE CAMAIONI      (STE)...PRO/PER  
FOREST FOX      (MAUREEN MURATORE      )...MAUREEN M  
WESTERN SURETY COMPANY      (LEWIS D'AMATO BRISBOIS &  
BISGA)...LEWIS D'A  
JERE L. FOX      (JERE L FOX      )...JERE L FO

GENERAL INFORMATION:  
This case is set for hearing on Resignation of Trustee & Appointment of Successor  
Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Petitioner/Successor Trustee, Forest Fox, requests the Court to accept his resignation as trustee. Due to numerous problems and issues, petitioner requests the court to appoint a professional, third party as the successor trustee and not a member of the Camiaoni family.
2. Petitioner alleges that Charles E. Painter, II, declines to serve as Successor Trustee. His declination has not been filed.
3. Notice appears appropriate.
4. At last hearing, Attorney Ortiz, attorney for David Camaioni (beneficiary of trust – see notes below on conservatorship) was authorized to seek and obtain counsel in the State of Washington, since David lives in Washington

now. The court authorized that counsel be paid with funds from the estate. The court further authorized the payment of necessary expenses to the State of Washington.

5. Declaration filed by Margaret Mooney. She agrees with the resignation of Fox and the idea that the successor trustee be a professional. She strongly desires that no family member or friend be given the responsibility, because of her belief that they have taken advantage of David in the past. Suggests using a professional in Spokane who will visit David and make sure that the trust money is used for David's needs.

**RECOMMENDATION:**

Suggest that resignation being approved by court be contingent upon the filing of the appropriate petitions in the State of Washington

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02388**SEE #37**

CASE NAME: MTTR OF DAVID RYAN CAMAIONI

HEARING:  
Petition for RESIGNATION OF CONSERVATOR OF THE ESTATE -

COUNSEL:  
FOREST FOX                      (CE )...MAUREEN MURATORE  
DAVID RYAN CAMAIONI              (CTE)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Resignation of Conservator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Conservatee has injury due to accident and trust was opened with proceeds from claim made.
2. Wife of conservatee allegedly ran up debts without his permission, so conservatorship of the estate was initiated by Forest Fox, the trustee of the trust. Counsel appointed for purpose of establishing the conservatorship and then discharged (but now rehired) – Attorney Smith Ortiz.
3. Conservator believes that the need for conservatorship still exists, as conservatee unable to read or make financial decisions. Conservator wishes to resign due to conflicts among the parties.
4. Conservator recommends that someone outside the family be appointed, due to issues with the family using trust assets for personal benefit. Conservator will stay on until successor is appointed.
5. At last hearing, Attorney for conservatee was authorized to travel to Washington to discuss matter with client and presumably also to find out about finding a Washington lawyer to file matters in the conservatee's current state of residence.

6. While the Court has jurisdiction over the conservatorship when it is in his best interests even though he resided out of county and out of state. PC 2201, 2202. In this case, it appears that the conservatee's best interests may be served in his home state. More information would be required, if any party believes that the matter should stay in this Court.

**RECOMMENDATION:**

Once the resignation is approved, court needs to set a hearing for a final accounting for 8-20-04. Accountings to be filed 30 days in advance. Subject to the filing of proper petitions in Washington.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **ACCOUNTING**

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01250

CASE NAME: IN THE MATTER OF EDWARD V STEWART

HEARING:  
Hearing Re: STATUS.

COUNSEL:

EDWARD V STEWART      (CEP)...ANNETTE G DE BELLEFEUILLE  
CARLA COGGINS      (CPE)...BETTY S.N. AUTON

CRAIG E. WILSON      (TP )...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

This case is set for hearing on Status  
Continued from 4-23-04, nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Objections filed by court appointed counsel for conservatee.
2. These objections and accountings have been pending almost one year – continued 4 times, with the accounting filed almost 2 years ago.
3. Background:
  - a. Letters (including dementia powers) issued 10-2-98. Daughter is conservator. Conservatee objected and counsel was appointed. After a thorough review, including examination by a few independent doctors. Court-appointed atty (McGoldrick) was convinced that conservatorship was necessary. A bond of \$15,000 was posted. The original bond of \$700,000 was reduced because it turned out that almost all of the assets were trust property.
  - b. First Accounting filed on 1-9-00 for period of 9-1-98 to 9-21-99. Accounting was approved on 5-9-00. The approval took into account an objection regarding conservatorship fees, as ½ of the requested fees related to services provided in handling the trust paperwork.



- c. Conservatee filed a Petition for Accounting by the trustee – his daughter/conservator. Court granted this petition on 5-9-00 and ordered an accounting filed within 90 days. Because of issues of confidentiality, the trust accounting was filed as “confidential”.
- d. On 5-11-01, the First Trust Account was approved, subject to the filing of a corrected account. It appears that the corrected accounting was filed on 11-16-01.
- e. Conservator was asking to terminate conservatorship of the estate as all the assets could be transferred to the trust. The conservatorship estate started out with \$9020.78 in assets, and so the balance for transfer was not high (after payment of conservator fees of \$5200 and attorney fees). It appears that the request for the termination of the conservatorship assets was granted on 11-16-01, with the court retaining jurisdiction to order accountings in the trust throughout the life of the conservatee.
- f. Second & Final Conservator Account filed on 2-20-02. As of 6-21-02, court had ordered that any objections to the conservator (and two trust accountings) be filed by 6-6-02. None filed and court continued the matter.
- g. On 6-11-02, objections filed by conservatee (court-appointed attorney deBellefeuille, McGoldrick previously relieved). These objections to the Trust Accounting, and not the Conservatorship Accounting.
- h. Amended 2<sup>nd</sup> Accounting (Conservator) filed on 6-13-03. Although attorneys may have been discussing the 2<sup>nd</sup> Conservator Account, there does not appear to be any written objections filed (filed for Trust account). Notes below regarding the Second Conservator Account.
- i. Trust Accounting at issue: Second Accounting of Stewart Family Trust filed on 3-14-02. Objections filed on 7-11-02 and Supplement to account filed on 7-31-02. Second Objections filed on 7-31-02. Reply filed. This is the matter which should be heard as “contested”. **Court should keep firm MSC/Trial date with no continuances granted except pursuant to noticed motion complying with CRC 375.**
- j. It appears that currently at issue are the Second & Final Conservator accounting and Trust Accounting. (see next page)

### **Conservator Accounting:**

Period: 9-22-99 to 12-31-02

- 1. Conservator waives compensation. Per agreement, will be able to live in the conservatee’s property rent free and pay for normal maintenance. Conservatee to pay property taxes, insurance and capital improvements (already approved by conservatee’s court-appointed attorney).
- 2. Not requesting attorney fees in this petition. Will file later.

### **RECOMMENDATION (Conservator Accounting ):**

RFA. Set hearing for filing of receipts and final discharge for 6-25-04.

**RECOMMENDATION (Trust Accounting):**

Set MSC for next available date. Set trial for next available date.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01621

CASE NAME: MTR RE MARY H LITTLE

HEARING:  
Petition for STATUS REPORT -

	COUNSEL:
LENA H JACKSON	(CPE)...J. DAVID HORSPOOL
MARY H LITTLE	(CEP)...E. JOAN NELMS

ROY H. NIERMAN      (TP )...ROY H NIERMAN

GENERAL INFORMATION:  
THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. I & A filed. Need to file bank statements per local rule.
2. Petitioner indicates that accounting can be filed by July 30, 2004.

RECOMMENDATION:

Court may allow additional time to file accounting, per PC 2620.2(b), prior to determining that a contempt has occurred under the mandatory provisions of PC 2620.2. Continue the matter to 8-27-04. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01736

CASE NAME: MTR RE RUTH W LAMPE

HEARING:

THIRD CURRENT Account and Report of LAWRENCE A DEAN III and  
Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN III      (CPE)...HARTNELL HORSPOOL & FOX  
RUTH W LAMPE      (CEP)...ROGER E WALKER

U S DEPT OF VETERANS AFFAIRS (TP )...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Third Account  
Period: 1-9-03 to 1-31-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservator requesting fees of \$7597.25, based upon 162.5 hours. Court has already approved the periodic fee payments, so balance requested is \$3547.25.
  - a. Charging from 3.75 hours to 5.5 hours for "monthly bill paying, deposits, account reconciliation and preparation of month-end I & E reports. Court may wish additional details regarding these services to explain the high number of hours spent. Very few bills to pay as shown in account.
2. Attorney requesting fees of \$2240, based upon 14.2 hours. Majority of attorney time at \$250 per hour. Itemized. JTD
3. Current bond is \$310,000. Amount of non-blocked accounts approximately \$316,000. JTD if bond is sufficient.

RECOMMENDATION:

RFA subject to court's discretion on fees. Once approved, will need to set hearing for next accounting for 6-2-06. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01759

CASE NAME: MTR OF JUANITA MAY DOW ET AL

HEARING:

2ND Account and Report of DIANE D. HARKISON and Petition for allowance of fees filed.

COUNSEL:

DIANE D. HARKISON      (CPE)...M DANIEL SAYLOR  
JUANITA MAY DOW      (CEP)...EDWARD B FISCHER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Second Account  
Period: 2-21-02 to 1-22-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting helpfully explains conservatee's lifestyle and provides information to supplement accounting re: items deemed "unusual" in petition.
2. Conservator requesting fees of \$17,795.25 based upon a total number of hours (for person & estate) of 333.55 hours. Bills at blended rate of \$55 per hour and reduces her hours by 10 due the large number of hours expended. Conservator already receives, per court order, \$250 per month, so balance requested is \$12,795.25. Itemization provided. JTD
3. Attorney requesting \$4896.25, based upon a total of 48.8 hours (majority were legal assistant at lowest rate of \$50 per hour, attorney billed at \$250 per hour). Itemized. JTD

RECOMMENDATION:

RFA subject to court's discretion as to fees. Once approved, will need to set hearing for next accounting for 6-2-06. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01959

CASE NAME: MATTER OF ELISA R TAYLOR

HEARING:

Petition for NTC OF MTN AND MTN TO BE RELIEVED AS CNSL -

COUNSEL:

ELISA R TAYLOR	(CEP)...EDWARD B FISCHER
ARDIS ENRIGHT	(CPE)...PRO/PER
ANTHONY SERRANO	(SC )...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Motion to Be Relieved as Counsel

Should be off-calendar, as Substitution of Attorney was filed by Anthony Serrano; he will now represent himself.

**On the Court's own motion, Court should suspend the powers of the Successor Conservator Anthony Serrano for the failure to file the \$70,000 bond as ordered on 7-18-03. Letters never issued because of lack of bond.**

**Also, set OSC re: Failure to File Bond and Failure to File I & A. The citation should be personally served on Anthony Serrano**

**Also, suggest that Court request that CI do a review of the conservatee, to see how she is doing. Her last review was on 10-4-02, under the prior conservator Ardis Enright.**

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02284

CASE NAME: MATTER OF HELEN B JONES

HEARING:

FIRST CURRENT Account and Report of MELODIE Z SCOTT and Petition  
for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT	(CPE)...HARTNELL HORSPOOL & FOX
HELEN B JONES	(CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:

This case is set for hearing on First Account

Period: 12-4-02 to 12-31-03

On 3-12-04, Court appointed Attorney Smith-Ortiz to represent the conservatee, as the accounting had not been filed as needed. Unclear if appointment ended once the accounting was filed or whether court intended counsel to comment regarding the specifics of the accounting.

Accounting filed on 4-7-04.

Continued from 5-7-04 with nothing new filed yet

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Proof of Service on Accounting does not mention court-appointed counsel.
2. Conservator requesting fees of \$17906.50. Conservator previously obtained court order allowing monthly payments of \$500, so total now due is \$12,406.50. Issues:
  - a. Charging overhead costs for "creating vendor"; 16 x \$13.50 = \$216
  - b. With reduction, it would be \$17,690.50.
3. Attorney requesting fees of \$5665.50 for 42.50 hours of work. Principal attorney bills at \$190 per hour.
4. Conservator is a professional. She discloses that she hired her sister, Jenny Plant, to clean the conservatee's home and paint and visit, for total of \$2137. Itemized.

RECOMMENDATION:

Resolve question as to whether Court intended court-appointed counsel to review accounting or to simply act to get the accounting filed. If Court intended representation as to accounting itself, need report from attorney. **[This issue may have been resolved at hearing on 5-7-04, but not reflected in minute order, as attorney for conservatee (Smith-Ortiz) present at hearing.]**

RFA subject to court's discretion on fees. Once approved, set next accounting for 5-19-06. Accountings to be filed 30 days in advance.





San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02299

CASE NAME: MTR RE MARY LETA WILLETT

HEARING:

1ST CURRENT Account and Report of DIANE D HARKISON and Petition  
for allowance of fees filed.

COUNSEL:

DIANE D HARKISON      (CPE)...M DANIEL SAYLOR  
MARY LETA WILLETT      (CEP)...JOHN N. VEGA

GENERAL INFORMATION:

This case is set for hearing on First Account of Conservator  
Period: 12-18-02 to 12-15-03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Notice of accounting being filed is supposed to go to Court Investigator. Local Rule 1406(c). Was notice given?
2. CI biennial review lists more cash assets than stated in accounting and referenced in both I & As. CI report refers to City Bank annuity, account number 78C-01111-13 with a verified balance as of September, 2003 of \$25,330.60. Not listed in I & A or accounting. **Need to file supplement.**
3. CI report also lists a money market account at Community Bank, account number 24872377 with a verified balance as of November 28, 2003 of \$5073.36. The accounting lists an account at Community Bank with a different account number, but with that same figure. **Need to file supplement.**
4. Not listed on the CI report is the Washington Mutual account in the 2<sup>nd</sup> I & A (\$5956.42) and the Community Bank CD 222202091 (\$15,000) **Need to file supplement.**
5. Conservator requesting \$6973.45 for services rendered, 126.79 hours at blended rate of \$55 per hour. Has numerous small charges for

- “Administrative”. An explanation of how the conservator uses this term, as to what services provided, would be helpful. JTD
6. Conservator requesting payment of monthly stipend of \$250 through next accounting period. JTD
  7. Attorney requesting fees of \$4182.50 for a total of 34.3 hours, billed at \$250 per hour for atty time (10.2 hours) and legal assistant time at \$50 and \$75 per hour (24.1 hours) Itemized. JTD
  8. Notice of accounting must go to conservatee. Here, notice was sent to Attorney Vega, who previously was appointed by court as conservatee’s attorney. Under Local Rule 1402, the representation of a conservatee by an attorney appointed by the Court ceases upon the hearing for which he or she was appointed, unless otherwise ordered by Court. If Attorney Vega was discharged, then notice needs to be sent directly to conservatee. Court should note that on 4-30-04, Attorney Friedland specially appeared for Attorney Vega at the Accounting Review date. Court should clarify whether Attorney Vega is discharged or not. If discharged prior to the hearing, then matter to be continued to provide required notice to conservatee. If discharged following this hearing, then notice has been satisfied.
  9. Supplement to First Account, etc., was filed stating Conservatee died 4/26/04. **A final accounting needs to be filed for period from 12/16/03 to 4/26/04.**

RECOMMENDATION:

Court to clarify Attorney Vega’s role. Supplement needs to be filed as to bank account confusion prior to approval. Once approved, set next accounting for 5-19-06. Accountings to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02345

CASE NAME: MTR RE ISRAEL BALLER

HEARING:  
FIRST AND FINAL Account and Report of DIANE D HARKISON and  
Petition for allowance of fees filed.

COUNSEL:

DIANE D HARKISON      (CPE)...M DANIEL SAYLOR  
ISRAEL BALLER      (CEP)...EDWARD B FISCHER

GENERAL INFORMATION:

This case is set for hearing on First and Final Account  
Period: 2-18-03 to 2-6-04  
Conservatee died on 6-30-03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Filed three partial I & As, but no "Final" one. Needed. The accounting lists several properties that were not included in the I & As with the reference "not valued". Court to determine whether appraisal is necessary if real property was not sold during the conservatorship and is being transferred to the probate estate, where an appraisal will be required. **Declaration of M. Daniel Saylor has been filed. Conservatee died prior to appraisal and filing of a final Inventory and Appraisal. Petitioner requests final appraisal in the conservatorship be waived since the real property will be appraised in the probate estate and would save the estate duplicate appraisal fees. JTD**
2. Conservator requesting fees of \$9325.25 for a total of 169.55 hours at the rate of \$55 per hour (blended). Appears that many hours were expended as conservator of the estate, due to large number of properties owned by the conservatee and banking issues. (75.4 hours).
3. Attorney requesting fees of \$4480 for 6.9 hours of attorney time at \$250 per hour and 44.4 hours of legal assistant time (\$50 and \$75). Only page 1 of bill

was filed with the accounting. The totals at bottom of this page indicate 3.5 hours of attorney time, and 32 hours of legal assistant time, and don't match the specific entries. Need to amend request or present the presumably missing billing. **Declaration of M. Daniel Saylor has been filed. Attorney states no page is missing as to billing of attorney fees. Attorney fees requested as follows:**

**Legal Assistant time: 21.4/hrs. @ \$75.00/hr. = \$1,605.00**

**Legal Assistant time: 23.0/hrs. @ \$50/hr. = \$1,150.00**

**Attorney time: 6.9/hrs. @ \$250/hr. = \$1,725.00 totaling \$4,480.00**

**JTD**

**RECOMMENDATION:**

RFA subject to the court's discretion on fees and waiver of final I & A. Set hearing for filing of receipts and final discharge for 6-10-05.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 10:01      DEPT: S5  
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CASE #: SC SS8903

CASE NAME: IN THE MATTER OF MICHAEL ALLEN STEPHENS

HEARING:

SIXTH CURRENT Account and Report of DANNY R STEPHENS and  
Petition for allowance of fees filed.

COUNSEL:

MICHAEL ALLEN STEPHENS      (CEP)...  
DANNY R STEPHENS      (CEP)...WALTER T. MOORE

GENERAL INFORMATION:

This case is set for hearing on Sixth Accounting  
Period: 9-1-01 to 9-1-03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Local Rule 1408 requires that the conservator notify the court and the Court Investigator as to change in residence, including phone number. Accounting mentions that residence has been changed to the residence of the conservator. Was notice given to CI?
2. Conservator has paid himself \$650 per month for room and board given to conservatee. Court needs to approve. (Prior situation was at board and care, \$550 per month, conservator indicates that the building was condemned).
3. It appears that at the time of the move to conservator's residence, approximately \$800 was spent on home electronics. Should those items be considered the conservatee's property on hand? Need supplement.
4. Conservatee holds over \$100,000 in a blocked account, and conservator requested approval to transfer \$50,000 to a different bank, still blocked. JTD
5. Conservator (brother of conservatee) waiving fees.
6. Current Attorney for conservator requesting fee of \$1039.60 to be paid to the estate of Nancy Young. Itemized. JTD

7. Monthly allowance is being given to conservatee. Sometimes \$160 and sometimes \$200. PC 2421 requires court approval of the giving of an allowance to the conservatee. The amount shall be in such that it is in the best interest of the conservatee. Once given, the conservator need not account for the allowance, other than the payment of it to the conservatee. Does the conservator already have such an order? If so, what is the amount?

RECOMMENDATION:

RFA subject to court's rulings upon the notes above. Once approved, set next accounting for 5-19-06. Accountings to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI      **MISC**

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DATE: 06/04/04      TIME: 11:00      DEPT: S5  
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CASE #: SPRSS03926

CASE NAME: ESTATE OF LAWRENCE TOMASI

HEARING:  
Hearing re Final Discharge

COUNSEL:  
ANDREW TOMASI      (PET)...CARNEY & DELANY  
LAWRENCE TOMASI      (DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Final Discharge  
Continued from 4-30-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. No receipts filed. Two receipts needed, both from current administrator Andrew Tomasi, but only one in his individual capacity. Need receipt from him as executor of Estate of Cheryl Tomasi.
2. Need final discharge order.

RECOMMENDATION:  
Need documents.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS01261

CASE NAME: EDWARD FRENCH

HEARING:  
Accounting Review

COUNSEL:

EDWARD FRENCH	(CEP)...
DOLLIE B. JOHNSON	(CPE)...
LAWRENCE A. DEAN II	(CPE)...HARTNELL HORSPPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

**Continued from: 4/23/04**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Appears no accounting filed by professional conservator. 4<sup>th</sup> Accounting approved on 8-1-03.
2. Court appointed Attorney Kastilahn on 5/18/04 for Conservatee re Dementia

RECOMMENDATION: Need report from court appointed counsel.

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS01307

CASE NAME: IN THE MATTER OF MARIO ROSALES

HEARING:  
Accounting Review

	COUNSEL:
MARIO ROSALES	(CEP)...
JOHN D. MICKUS	(CPE)...PRO/PER

GENERAL INFORMATION:  
This case is set for hearing on Accounting Review  
Continued from 4-16-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Waiver of accounting filed, but insufficient. Needed to provide more information regarding why the conditions of PC 2628 have been met. Insufficient to provide court with legal conclusion without any supporting facts.
2. Accounting review filed. **Petitioner has satisfied the court as to why the estate meets the requirements under PC§2628 .**
3. Petitioner may wish to file form waiver that CI uses in this type of matter to inform the court that requirements under PC2628 are continuing to be met.

RECOMMENDATION: matter to go off calendar. **court to set accounting review hearing 2/10/06**

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 1:30    DEPT: S5  
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CASE #: SC SS01645

CASE NAME: MTR OF CARL JUNIOR SCROGGINS

HEARING:  
Accounting Review

COUNSEL:  
REBECCA G. PESCEVIC      (CPE)...EDWARD B FISCHER  
CARL JUNIOR SCROGGINS      (CEP)...DUANE P BOOTH

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Conservatee died on 1-7-04

Court set this Final Accounting hearing per minute order of 2-4-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

Not filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS01747

CASE NAME: MATTER OF JESSE MUNOZ

HEARING:  
Accounting Review

	COUNSEL:
DANIEL RIVAS	(PET)...JOHN D MICKU S
JOHN D MICKUS	(PET)...JOHN D MICKU S
JESSE MUNOZ	(CEP)...

GENERAL INFORMATION:  
This case is set for hearing on Second Account  
Period: 4-5-02 to 4-4-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Second accounting filed and set for hearing on 6/18/04.
2. CI Annual/ Biennial report has been filed\*

RECOMMENDATION: none

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS02016

CASE NAME: MATTER OF KAREN MICHELLE CARR

HEARING:  
Accounting Review

COUNSEL:

NELDA K CARR	(CPE)...J S HERMANSON
ROBERT M CARR	(CPE)...J S HERMANSON
KAREN MICHELLE CARR	(CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

This case is set for hearing on Third Accounting  
Period: 4-17-03 to 4-17-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. I & A never filed. **Must file.**
2. Court waived first accounting due to small value of estate.
3. If seeking to waive second accounting, must file a petition requesting that relief.

RECOMMENDATION:

If no appearance, court to send copy of note to conservator's attorney. Also, Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS02187

CASE NAME: MTR OF KARLA D. ADAMS-JONES

HEARING:  
Accounting Review

COUNSEL:  
SHARON K. ADAMS      (CPE)...PRO/PER  
KARLA D. ADAMS-JONES      (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Continued from 4-16-04 as conservator requesting more time in which to file accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Final I & A filed, however, Attachment #1 shows misc household furniture & furnishings appraised by conservator. Misc furniture and furnishings are appraised by the referee and must be shown on attachment #2. **Need to file corrected inventory.**
2. Per Local Rule 1406(e) bank statements must be attached to all inventories and accountings in order to verify cash on hand.
3. No accounting filed.

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure. (PC 2620.2(b).)

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS02195

CASE NAME: MTTR OF CARLOS JUAN MARQUEZ

HEARING:  
Accounting Review

COUNSEL:  
MARTA N MARQUEZ      (CPE)...HARTNELL HORSPOOL & FOX  
CARLOS JUAN MARQUEZ      (CEP)...JUDITH RUNYON

GENERAL INFORMATION:

This case is set for hearing on Final Accounting Review  
Court issued ex parte order terminating the conservatorship on 4-7-04 due to lack of need.  
Conservator ordered to provide account within 90 days, but no new date for accounting set.

Current hearing date of 6-4-04 set when the Conservator previously failed to file the accounting. Conservator should file accounting within the next 30 days, per court order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

No accounting filed yet.

RECOMMENDATION:

Continue matter to 7-16-04. Accounting must be filed prior to that date.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS02347

CASE NAME: MTR OF STEPHEN L. PRICE JR.

HEARING:  
Accounting Review

COUNSEL:

MELODIE Z. SCOTT	(CPE)...SEAVER & GILL
STEPHEN L. PRICE JR	(CEP)...HARTNELL HORSPOOL & FOX
STEPHEN PRICE SR	(SC )...TIMOTHY EMSE
FAE HARRIS	(SC )...TIMOTHY EMSE

GENERAL INFORMATION:

This case is set for hearing on Final Accounting

Conservatee died on 3-9-04

On 2-19-04, Court had made orders on competing petitions: Melodie Scott out as conservator and parents (Stephen Price and Fae Harris) appointed joint conservators) Stan Schultz appointed as trust advisory member

Per order of 2-18-04, Scott's accounting was to be filed 30 days prior to 6-4-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

Not filed, contrary to specific court order.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

Court will also need to set hearing for accounting by parents as the successor conservator, since conservatorship terminated with death of their son. Clerk to send notice of date 8-27-04 for Accounting Review.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS02377

CASE NAME: MTR RE FRANCES WARREN

HEARING:  
OSC re: REMOVAL OF C'TOR/MONETARY SANCTIONS

	COUNSEL:
FRED WARREN	(CPE)...PRO/PER
FRANCES WARREN	(CEP)...LENITA A SKORETZ
GERALD WARREN	(CPE)...LENITA A SKORETZ

GENERAL INFORMATION:

This case is set for hearing on OSC re: Removal of Conservator  
Temporary letters issued to Fred Warren on 3-24-03. Funds to be placed in blocked  
account. Temporary letters terminated on 8-8-03.

Temporary successor letters issued to Gerald Warren on 8-8-03. Conservatee died on 9-  
26-03. Need accounting by Gerald Warren for that period.

On 4-2-04, court appointed Attorney Skoretz to assist in closing out the estate, as no  
accounting had been filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Nothing filed.
2. Waiver of accounting filed by Fred Warren, son of conservatee. All children  
would need to waive accounting. Not filed.
3. Accounting is required of both Fred and Gerald Warren
4. Citation served on Gerald Warren on 3-5-04. Need to serve on Fred.

RECOMMENDATION:

Need status from court-appointed attorney. Court may wish to issue monetary sanctions against the conservators if conditions suggest it.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SC SS8937

CASE NAME: MATTER OF CONSTANCE S HAWKINS

HEARING:  
SEVENTH CURRENT Account and Report of MARY HAWKINS and Petition  
for allowance of fees filed.

COUNSEL:  
CONSTANCE SUZANNE HAWKINS      (CPE)...  
MARY HAWKINS                      (CEP)...HARTNELL HORSPOOL & FOX  
KATHY ANNE IVINS                  (CPE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:  
This case is set for hearing on 7<sup>th</sup> Accounting of Conservator and 1<sup>st</sup> Account of Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

**Conservatorship Accounting: 10-11-01 to 10-10-03**

1. Conservator Mary Hawkins requests fees of \$8320. Has not provided a detailed description of services rendered (time, date, description) as required under Local Rule 1406(d). Need supplement.
2. Conservator Kathy Ivins requests fees but will file her own petition at a later time.
3. Attorney Hartnell (representing Hawkins) requesting fees of \$2686.50, based upon 10.30 hours, majority by Attorney Hartnell at \$275 per hour. Hourly rate exceeds standards in County of San Bernardino. If reduced to \$250, then total billing would be \$2451.50.
4. Attorney Ortiz (representing Ivins) requesting fees, but will file her own petition at a later time.

**Trust Accounting: 4-28-99 to 6-30-03**

1. Petitioner Hawkins states that she has paid herself \$400 as compensation and costs advanced, but states that her reasonable fee is greater. Petitioner

- does not state what is the reasonable fee. Need to explain how the trust services are different from the conservator services.
2. Is attorney requesting the court approve a fee for services to attorney?
  3. Prior court approval is required for payment of fees to attorneys, conservators and trustees under Local Rule 1405, as it appears that trust was created during the conservatorship.
  4. ~~No bank statements filed. Local Rule 1405 treats conservator trust accountings as a regular conservator accounting as a condition of approving the trust creation during a conservatorship. OK~~
  5. Unclear why the assets on hand for the trust contain some of the assets from the conservatorship. Need explanation of method of accounting and division of assets.

RECOMMENDATION:

Need supplement. Once approved, court will need to set next accounting for both conservatorship and trust for 6-9-06. Accountings to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 06/04/04      TIME: 1:30    DEPT: S5  
-----

CASE #: SC SS8937

CASE NAME: MATTER OF CONSTANCE S HAWKINS

HEARING:

FIRST CURRENT Account and Report of MARY HAWKINS and Petition  
for allowance of fees filed.

COUNSEL:

CONSTANCE SUZANNE HAWKINS    (CPE)...

MARY HAWKINS                    (CEP)...HARTNELL HORSPOOL & FOX

KATHY ANNE IVINS                (CPE)...DONNASUE SMITH-ORTIZ

See notes above

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPASS4952

CASE NAME: ESTATE OF GARY L BRANCH

HEARING:  
Accounting Review

COUNSEL:

PUBLIC ADMINISTRATOR      (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
GARY L BRANCH      (DEC)...

SCOTT A HANCOCK      (TP )...SNYDER, HANCOCK & ASHWORTH  
SHARMAN G ROSS      (SNYDER, HANCOCK & ASHWORTH )...SNYDER,  
H  
RICHARD R ROSS      (SNYDER, HANCOCK & ASHWORTH )...SNYDER, H  
SCOTT A HANCOCK      (SNYDER, HANCOCK & ASHWORTH )...SNYDER,  
H  
PAM AMBERS      (SNYDER, HANCOCK & ASHWORTH )...SNYDER, H  
WALLACE M BUTLER      (SNYDER, HANCOCK & ASHWORTH )...SNYDER,  
H

GENERAL INFORMATION:

This case is set for hearing on Accounting Review  
Continued from 4-16-04 at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Need Final I & A. Only partials filed.
2. Need Accounting.
3. Petition to Determine Heirship on calendar for 6-18-04.

RECOMMENDATION:

Appears that delay in final accounting is due to heirship issue, but could still file I & A. If no accounting filed, continue to 7-9-04, so results of heirship petition can be included.



San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPRSS02067

CASE NAME: IN THE ESTATE OF SARA FAITH ROWE

HEARING:  
Hearing Re: Final Discharge.

COUNSEL:  
SARA FAITH ROWE      (DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:  
No receipts filed.

RECOMMENDATION:  
Find out status from Attorney Farrell.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPRSS03615

CASE NAME: THE GOLEC FAMILY LIVING TRUST

HEARING:

Hearing Re: ACCOUNTING REVIEW OF ATY RAGER.

COUNSEL:

RICHARD GOLEC                      (TEE)...PRO/PER  
JUDY ANNE MCGINLEY              (JOHN M RAGER                      )...JOHN M RA  
JACQUELYNNE MCGINLEY              (JOHN M RAGER                      )...JOHN M RA  
KELLY A ILIFF                      (CLAY E PRESLEY                      )...CLAY E PR

GENERAL INFORMATION:

This case is set for hearing on Accounting Review of Atty Rager  
Parties reached settlement on 3-10-04. Rager to prepare Settlement Agreement and  
Order. Attorney Presley to approve order as soon as possible. Trust to pay Kelly/Iliff  
\$11,000. Remaining monies reserved for attorney costs and trust accosts. Judgment  
against Richard Golec of approximately \$27,000, and to be divided according to terms of  
trust. Rager to file final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

~~Not filed.~~ 3<sup>rd</sup> & final account filed & set for 6/25/04.

RECOMMENDATION:

Matter to go off calendar

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPRSS04183

CASE NAME: MTR OF REIMULLER FAMILY TRUST (MASTER FILE)

HEARING:  
Accounting Review

COUNSEL:  
MELODIE Z SCOTT      (TEE)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:  
This case is set for hearing on Fourth Accounting  
Period:4/3/03 to 4/2/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:  
Not filed.

RECOMMENDATION:  
Find out status.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30    DEPT: S5  
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CASE #: SPRSS04945

CASE NAME: ESTATE OF WILLIAM H HUBBS

HEARING:  
Hearing re Final Discharge

	COUNSEL:
JOE E HUBBS	(PET)...LAW OFFICE OF BOLTE & GRAFF, L
WILLIAM H HUBBS	(DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

No receipts or final discharge order filed.

RECOMMENDATION:  
Find out status.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPRSS05230

CASE NAME: ESTATE OF MARIE IDE ROBERTSON

HEARING:  
Accounting Review

COUNSEL:  
WENDY-SUE PACK      (PET)...D. HERSHEL W ILSON  
MARIE IDE ROBERTSON      (DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:  
Not filed.

RECOMMENDATION:  
Find out status.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPRSS05233

CASE NAME: ESTATE OF BARBARA LEE LONG

HEARING:  
Accounting Review

COUNSEL:  
JACK D. AUSTIN      (PET)...IRSFELD IRSFELD & YOUNGER LLP  
BARBARA LEE LONG      (DEC)...

STATE OF CALIF. FRANCHISE TAX (TP )...PRO/PER  
ROBERT L KERN      (PRO/PER      )...PRO/PER

GENERAL INFORMATION:  
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Still need Final I & A. Only "Partial One" filed.
- ~~2. No accounting filed.~~ **1<sup>st</sup> & final account filed & set for 7/02/04**

RECOMMENDATION:  
Matter to go off calendar

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 1:30      DEPT: S5  
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CASE #: SPRSS05453

CASE NAME: ESTATE OF GLENN JERMONE WALLACE

HEARING:  
Hearing Re: STATUS ON SETTLEMENT.

COUNSEL:  
LINDA WALLACE RENFURM      (PET)...RONALD W ASK  
GLENN JEROME WALLACE      (DEC)...  
DEBORAH GOLDEN      (TP )...ROBERT A KRASNEY

GENERAL INFORMATION:

This case is set for hearing on Status of Settlement  
Continued from 4-23-04 per telephone request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Settlement conference held on 3-10-04. Matters settled as to 850 petition and the creditor's claim.
2. Estate to pay Deborah Golden \$2500 and she will drop objections.
3. Ms. Golden to return the American Flag.

RECOMMENDATION:

Need status of order.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 06/04/04      TIME: 2:00      DEPT: S5  
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CASE #: SC SS02379

CASE NAME: MATTR OF JOSEPHINE G NAVAS

HEARING:  
Hearing Re: SETTLEMENT CONF/TRIAL READINESS.

COUNSEL:  
CRISTINA ROMERO      (CPE)...HARTNELL HORSPPOOL & FOX  
JOSEPHINE G NAVAS      (CEP)...JAMES B CHURCH

ELKE L. COFFEY      (OBJ)...EINSTEIN & SPIEGEL

GENERAL INFORMATION:  
This case is set for hearing on MSC/Trial Readiness as to 850 Petition re: Directing Elke Coffee to Transfer Property

Petition filed, Answer filed, notice of hearing given.  
**Attorney filed notice of unavailability from 6/23/04 thru 6/30/04**

RECOMMENDATION:  
None